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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,471	11/30/2000	Alan Young	CIT10207	3173
27510	7590	03/08/2005	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/728,471

Applicant(s)

YOUNG ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-12, 14-23, 25, 26, 46 and 62-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12, 14-23, 25, 26, 46 and 62-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 10, 2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-7, 9-12, 14-23, 25, 26, 46 and 62-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton (2005/0027610), in view of O'Leary et al. (6,704,714).

Wharton discloses a method and system for data management of an electronic transaction with the steps of: receiving selection data identifying a product offered for purchase from a merchant in a transaction portal server (32) coupled to a merchant server (34, 36, 38) provided with a merchant check-out application (via unified check out process) that is in communication with a product database of the merchant and an order fulfillment system of the merchant from an interface-enabled communications device via a wireless communication network coupled to the transaction portal server (step 78-84),

providing product information data comprising information describing at least one aspect of the product to the interface-enabled communications device from the product database of the merchant by the merchant server via the wireless communication network coupled to the transaction portal server (via vendor catalog),

receiving payment option data comprising information describing a desired means of payment for the product by the merchant check-out application of the merchant server from the interface-enabled communications device via the wireless communication network coupled to the transaction portal server (§ 0041),

transmitting payment authorization data to a the payment processor by the transaction portal server, wherein the payment authorization data comprises purchaser identifying data and merchant identifying data identifying the merchant (§ 0047; via verifying the merchant and customer identification information against that stored in the

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databases, and conducting payment verification functions via the payment proxy (and perhaps according to a runtime payment verification script obtained from the merchant database),

transmitting authorization by the payment processor (12) to the transaction portal server (32), and transmitting order information to the order fulfillment system of the merchant in communication with the merchant check-out application of the merchant server by the transaction portal server, wherein the order information comprises payment option data and shipping detail data (§§ 42-47).

Wharton further discloses displaying and selecting product code associated with the product (via entry items 44E that described the purchased items).

Wharton also discloses the product information comprises the price of the product, and name of the product, and the product code comprises a unique number assigned to the product (as illustrated in Figure 1, § 0033). Providing an order confirmation to the interface enabled communications device (§ 0046), and receiving customer identification information comprises receiving customer identification information from the interface-enabled communications device (§ 0047), and wherein the interface enabled communications device comprises a web browser (such as the Internet; § 0030). The interface-enabled communications device comprises a wireless telephone (§ 0022), or at least one of the following: a personal computer (32).

The transaction portal server (32) is in communication with at least two merchant servers (34, 36, 38), and the desired means of payment for the product comprises a

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credit card (§ 0041), and offering a product for purchase from a merchant comprises providing a hyperlink on the transaction portal server to a merchant server (§ 0040).

Although Wharton discloses carrying out the order fulfillment so that the products get shipped to the right location, Wharton fails to explicitly disclose receiving shipping detail data comprising instructions related to shipping the product to a designated recipient by the merchant check-out application of the merchant server via the transaction portal server from an electronic wallet server associated with the transaction portal server and coupled to a payment processor.

O'Leary et al. discloses the concept of effectuating electronic payments using a Payment Portal Processor and a digital wallet. O'Leary further discloses that The majority of the prior art electronic Wallets on the Internet today are primarily used as a convenience vehicle, merely providing a method of storing account number information and other form filling functions (e.g., shipping addresses).

O'Leary further discloses the concept of entering into a joint venture between a provider of the transaction portal server and a provider of a wireless communications network (col. 24, lines 37-51).

From this teaching of O'Leary, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unified checkout step of Wharton to include the shipping information and the used of electronic wallet process in order to facilitate online payment.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 9-12, 14-23, 25, 26, 46 and 62-69 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cameron et al., Keresman, III et al., O'Leary et al., Covington et al., Chow et al. are cited as art of interest.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
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